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AMERICAN RAILROAD LAW. By Simeon E. Baldwin, LL.D. Boston: Little, Brown, and Company, 1904. pp. lxvi, 770.

In the language of the author, "It is the aim of this volume to state what is distinctive in American railroad law, and to put it in systematic order. To do this it has been necessary often to choose between conflicting views. If in such case those of the Supreme Court of the United States have been expressed they have generally been followed." To this aim the author has been true, with the result that he has produced a work that is a distinct addition to the subject, though a too close adherence to the author's attempt to choose between conflicting views, and "to limit his work to what is peculiar to railroad law" has somewhat narrowed the usefulness of the work as a book of reference, though not perhaps as a text for class use.

The most striking feature to the casual observer of the work is the apparent paucity of citations to cases. In a subject calling forth in recent years such a multiplicity of important decisions one is surprised to find the author making use of only about one thousand cases, a majority of which are cited but once each, while the total citations of authors are perhaps twenty-five hundred. Such a case as *Railroad v. Lockwood* is cited but once, and many leading cases, such as *Norway Plains Co. v. Railroad*, are not cited at all. *Munn v. Illinois* is cited but once, and that to the point that no state law can regulate a contract of transportation not wholly executed within the limits of the state, whether Congress does or does not legislate upon the subject. The power of a Legislator to empower a commission to fix rates is considered as settled in *Chicago, Milwaukee & St. Paul Railway Co. v. Minnesota*, and no comparison is made between that decision and *Munn v. Illinois*. These are typical instances of the treatment of disputed questions. Rarely is there a suggestion in the text of any conflict of authorities, and in no case are the opposite views stated and discussed. If any note is taken of conflict it appears in a *contra* citation in the footnote, or in a bare statement that a contrary conclusion was reached in a certain case though the holding is difficult to support. Such references may be found on pages 184, Sec. 1; 234, Sec. 4; 286, Sec. 4, and elsewhere. But no notice is taken, except perhaps by a citation in a footnote, of such conflicting views as are held on the right of the railroad to limit by contract its liability for negligence, page 345, Sec. 4, what amounts to delivery by a railroad, page 355, Sec. 7, and the duty of a railroad to accept live animals for transportation, page 359, Sec. 1. Indeed on the last question the rule given is that which seems to be peculiar to the one State of Michigan, for which *Railroad v. Perkins*, decided in 1872, is the only authority offered. The only notice of the *Hufford* case, on the duty of the conductor to listen to the explanation of a passenger as to a ticket ambiguous on its face, is in an obscure footnote reference on page 293, though there can be no doubt but a large number of courts have since that decision taken a much modified view of the rule, stated on page 292, that as between the passenger and the conductor the terms of the ticket are conclusive.

The same brevity is noticeable in the use of illustrations in the text. Usually the author is content to give the bare statement of a principle, without illustration or application to a concrete case. And the principles are rarely

supported by a reason, and practically never by quotations from leading cases. In these matters the reader must turn to the cases cited, which, though few in number, are choice, and include many of the very recent decisions, such as the *Northern Securities* case and many others as yet reported only in the Reporter System.

The limitations above noted may or may not be regarded as defects. They enable the author to present within the compass of a moderate sized volume the epitome of railroad law, and he has done this in a remarkably clear, simple fashion. One wastes no time in arriving at the rule which in Judge Baldwin's opinion is the law on any question treated by him. Such brevity and clear statement are to be highly commended in these days of multiplicity of long, and often obscure and tiresome, opinions and of many volumed texts on subjects formerly treated as single chapters in more comprehensive single-volume texts.

The Appendix of forms affords much valuable illustrative material to the text, and will doubtless be of greater value for this purpose than as a guide to those actually drawing such forms. The Index is carefully made and very useful. The latest developments of railroads are included, and not only Street Railroads, but Interurban and Elevated Railroads and Subways receive such attention as the present state of the law permits. All in all, considering the small size of the work and the vastness of the subject, a more satisfactory treatment would be very difficult. Especially is the work to be commended to the beginner in the study of Railroad Law. EDWIN C. GODDARD.

STREET RAILWAY REPORTS, ANNOTATED, reporting the electric railway and street railway decisions of the Federal and State Courts in the United States, from April 1, 1903. Edited by Frank B. Gilbert, of the Albany Bar. Albany, N. Y.: Matthew Bender, 1904. Vol. 1, 8 vo., pp. xvi, 943.

This is volume one of a new series of reports to be cited as "St. Ry. Rep." The introductory note of the publisher gives as the reasons for the undertaking that there has recently been a marvelously rapid development and extension of electric street and highway railways; that the duties of these as carriers materially differ from those of other carriers; that the law of negligence has a special application to their liabilities; and that various other special principles have arisen governing their relations to the public, abutting owners, and municipalities.

There are 152 cases reported, arranged not by subjects but by states; briefs of counsel are not given; the syllabi and decisions are given in full, including dissenting opinions; the latter, statements of facts frequently, the syllabi, and the notes are printed in small type.

The cases relate to the organization of street railway corporations, the grant of the franchise, the taxation of the same, the rights of abutting owners, the right to cross other railways, liability for assault on, or ejection of, passengers, injuries on platforms, or due to excessive speed, collisions with pedestrians, bicyclists, or those in vehicles, duty to look and listen, the issue and acceptance of transfers, etc., etc.